



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 04337-00

20 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR [REDACTED], USNR (RET), [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 20 Jun 00 w/attachments
(2) Memo for Record dtd 13 Sep 00
(3) PERS-86 memo undtd
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he was not involuntary retired on 1 April 2000, and that he be reinstated to active duty as a TAR (training and administration of reserves) officer and promoted to commander. The Board did not consider Petitioner's request for promotion, as enclosure (2) indicates he would not have been promoted until 1 October 2000, had he not been retired. His promotion can be effected by the Navy Personnel Command (NPC) without action by this Board, if he is reinstated to the active status list.

2. The Board, consisting of Messrs. Kastner and Zsalman and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 14 September 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the NPC office with cognizance over the subject matter of this case has commented to the effect that Petitioner was selected by the Fiscal Year 01 Reserve Commander Line Selection Board. Accordingly, they recommend that he be reinstated in the Naval Reserve as a TAR officer.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

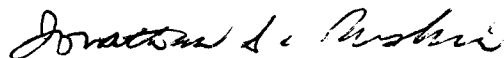
a. That Petitioner's naval record be corrected, where appropriate, to show he was not retired on 1 April 2000, but remained on active duty as a TAR officer continuously after that date; and that he be reinstated to active duty as a TAR officer accordingly.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

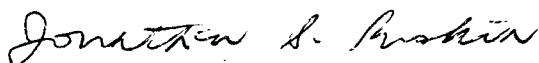

W. DEAN PFEIFFER
Executive Director

13 September 2000

MEMO FOR RECORD

Re: Case of [REDACTED] USNR (RET), do [REDACTED]

PERS [REDACTED] advises that [REDACTED] reinstated to the active status list, he will be eligible for promotion to CDR effective 1 October 2000.



JONATHAN S. RUSKIN
Head, Performance Section



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4337-00
5420
PERS-86

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF
LIEUTENANT COMMANDER [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 04337-00 w/Service Record

1. Per reference (a) we are returning enclosure (1) recommending approval of the members request to cancel his involuntary retirement and reinstate him on the Reserve Active Status List as a Commander TAR Select.
2. Lieutenant Command [REDACTED] was selected for promotion to Commander by the FY-01 Reserve Commander Line Selection Board as indicated in ALNAV 049/00. This board convened on 8 March 2000 and concluded its deliberations on 17 March 2000, prior to the effective date of Commander select [REDACTED] discharge from active duty.
3. It is recommended that Commander select [REDACTED] be reinstated in the Naval Reserve as a TAR officer at the earliest possible opportunity.

[REDACTED]
Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division